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	K. C. Pharmacal, Inc., 8345 Melrose Dr., Lenexa, KS 66214
	* * *

Dated: September 4, 1997.

**George A. Mitchell,**

*Acting Director, Center for Veterinary Medicine.*

[FR Doc. 97-24736 Filed 9-17-97; 8:45 am]

BILLING CODE 4160-01-F

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### Food and Drug Administration

#### 21 CFR Part 524

#### Ophthalmic and Topical Dosage Form New Animal Drugs; Cyclosporine

**AGENCY:** Food and Drug Administration, HHS.

**ACTION:** Final rule.

**SUMMARY:** The Food and Drug Administration (FDA) is amending the animal drug regulations to reflect approval of a supplemental new animal drug application (NADA) filed by Schering-Plough Animal Health. The supplemental NADA provides for use of cyclosporine ophthalmic ointment on dogs for management of chronic superficial keratitis (CSK) and changing the approved label claim to management of chronic keratoconjunctivitis sicca (KCS).

**EFFECTIVE DATE:** September 18, 1997.

**FOR FURTHER INFORMATION CONTACT:** Melanie R. Berson, Center for Veterinary Medicine (HFV-110), Food and Drug Administration, 7500 Standish Pl., Rockville, MD 20855, 301-594-1612.

**SUPPLEMENTARY INFORMATION:** Schering-Plough Animal Health, Schering-Plough Corp., P.O. Box 529, Kenilworth, NJ 07033, has filed supplemental NADA 141-052 Optimune® (cyclosporine) ophthalmic ointment that provides for use on dogs for the management of chronic superficial keratitis (CSK) and changing the approved label claim from treatment to management of chronic keratoconjunctivitis sicca (KCS) in dogs. The term management reflects the complexity of the therapy for the diseases. The drug is limited to use by or on the order of a licensed veterinarian. The supplement is approved as of August 26, 1997, and the regulations are revised in 21 CFR 524.575(c)(2) to reflect the approval.

The basis of approval is discussed in the freedom of information summary.

In accordance with the freedom of information provisions of 21 CFR part 20 and 514.11(e)(2)(ii), a summary of safety and effectiveness data and information submitted to support approval of this application may be seen in the Dockets Management Branch (HFA-305), Food and Drug Administration, 12420 Parklawn Dr., rm. 1-23, Rockville, MD 20857, between 9 a.m. and 4 p.m., Monday through Friday.

Under section 512(c)(2)(F)(iii) of the Federal Food, Drug, and Cosmetic Act, this approval for use in nonfood-producing animals qualifies for 3 years of marketing exclusivity beginning August 26, 1997, because the supplemental application contains substantial evidence of the effectiveness of the drug involved, studies of animal safety or, in the case of food-producing animals, human food safety studies (other than bioequivalence or residue studies) required for approval of the application and conducted or sponsored by the applicant. The 3 years of marketing exclusivity applies only to the new indication for management of CSK in dogs.

FDA has carefully considered the potential environmental effects of this action and has concluded that the action will not have a significant impact on the human environment, and that an environmental impact statement is not required. FDA's finding of no significant impact and the evidence supporting that finding, contained in an environmental assessment, may be seen in the Dockets Management Branch (address above).

#### List of Subjects in 21 CFR Part 524

Animal drugs.

Therefore, under the Federal Food, Drug, and Cosmetic Act and under authority delegated to the Commissioner of Food and Drugs and redelegated to the Center for Veterinary Medicine, 21 CFR part 524 is amended as follows:

#### PART 524—OPHTHALMIC AND TOPICAL DOSAGE FORM NEW ANIMAL DRUGS

1. The authority citation for 21 CFR part 524 continues to read as follows:

**Authority:** Sec. 512 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360b).

2. Section 524.575 is amended by revising paragraph (c)(2) to read as follows:

#### § 524.575 Cyclosporine ophthalmic ointment.

\* \* \* \* \*

(c) \* \* \*

(2) *Indications for use.* For management of chronic keratoconjunctivitis sicca (KCS) and chronic superficial keratitis (CSK) in dogs.

\* \* \* \* \*

Dated: September 10, 1997.

**Michael J. Blackwell,**

*Deputy Director, Center for Veterinary Medicine.*

[FR Doc. 97-24850 Filed 9-17-97; 8:45 am]

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## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### Food and Drug Administration

#### 21 CFR Part 812

[Docket No. 96N-0299]

#### Investigational Device Exemptions; Treatment Use

**AGENCY:** Food and Drug Administration, HHS.

**ACTION:** Final rule.

**SUMMARY:** The Food and Drug Administration (FDA) is establishing procedures to allow for the treatment use of investigational devices. These procedures are intended to facilitate the availability of promising new therapeutic and diagnostic devices to desperately ill patients as early in the device development process as possible, i.e., before general marketing begins, and to obtain additional data on the device's safety and effectiveness. These procedures apply to patients with serious or immediately life-threatening diseases or conditions for which no comparable or satisfactory alternative device, drug, or other therapy exists.

**DATES:** The regulation is effective January 16, 1998.